

operations (Abstract). In Glass, information is loaded into a neutral, confidential and centralized prediction system (see col. 9, lines 48-54). The prediction subsystem 108 is responsible for integrating the input source 115 connected to the traffic advisor 100 to monitor the progress of arriving and departing flights, and to predict when key events will occur, including pushback, takeoff, touchdown, or gate arrival (see col. 13, lines 56-61). Thus, predictive information is provided to the client interface subsystem 110 without requiring disclosure of proprietary data to competitors (see col. 9, lines 52-54).

As indicated above, Glass acquires information from a variety of sources, including information provided by airlines, and fuses the data to generate data values related to individual flights. An example of this is described in col. 27, lines 1-12 of Glass, which describes two tables, flight_arr and flight_dep, where individual flight information is stored and updated. Glass states that data fusion is necessary because traffic advisor data sources vary and sometimes are in direct conflict (see col. 28, lines 3-6). The fused data stored in the database may then be distributed through the client interface subsystem 110 to various clients such as airports and airlines. Glass does not specifically disclose distributing raw data provided by an airline. On the contrary, Glass specifically intends to protect such proprietary information provided by airlines (see col. 9, lines 42-54 of Glass).

As such, Glass does not teach at least the feature of at least one second airport operations advisor module networked with the airport management database to select and receive publicly available status information and the information the airline desires to share, as recited, for example, in claim 1, and similarly recited in claim 7. Rather, at most, Glass may use information from the airlines to generate flight objects and corresponding predictive values.

Likewise, the use of information from the airlines to generate flight objects and corresponding predictive values, does not correspond to gathering proprietary status

information and selectively distributing the proprietary status information to authorized airport operations advisor modules, as recited in claim 10, and similarly recited in claim 16.

The Office Action, in paragraph 9, provides a limited response to the above arguments. The Office Action apparently relies on col. 10, lines 32-35 of Glass as allegedly disclosing at least one second airport operations advisory module networked with the airport management database to select and receive publicly available status information and the information the airline desires to share. However, the referenced portion of Glass merely states that "[f]or airlines that provide their proprietary data, the traffic advisor will display the assigned gate, the assigned ramp, the time the aircraft arrives at the gate, and the duration the aircraft takes from touchdown to gate." This limited disclosure does not teach the specific combinations of features as discussed above at least because this disclosure does not specify that the listed information is intended to be shared by the airline, or where the "display" will be provided. Applicants maintain that the disclosure of Glass, as a whole, does not support the interpretation of the Office Action. Rather, the interpretation of the Office Action is directly contrary to the other disclosures of Glass in which disclosure of proprietary data is prevented.

In reviewing the anticipation standard, the Federal Circuit has stated "[t]o anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375 (Fed. Cir. 2001), *cert. denied*, 122 S. Ct. 1436 (2002) (emphasis added). *See also Sandisk Corp. v. Lexar Media, Inc.*, 91 F. Supp. 2d 1327, 1336 (N.D. Calif. 2000) (stating that "[u]nless all the elements are found in a single piece of prior art in exactly the same situation and united the same way to perform the identical function, there is no anticipation.") and *Aero Industries Inc. v. John Donovan Enterprises-Florida Inc.*, 53 USPQ2d 1547, 1555 (S.D. Ind. 1999) (stating that "[n]ot only must a prior patent or publication contain all of the claimed

elements of the patent claim being challenged, but they 'must be arranged as in the patented device' "). This standard for anticipation is also set forth in MPEP §2131, which states that "the identical invention must be shown in as much detail as is contained in the ... claim." The limited disclosure of Glass does not meet the standard for anticipation, especially when considered in the context of Glass as a whole.

The Office Action also relies on col. 23, lines 37-41 and 57; col. 30, lines 4-8; and col. 31, lines 4-5 and 14-18 of Glass, as allegedly disclosing the features of gathering proprietary status information; and selectively distributing the proprietary status information to authorized airport operations advisor modules. However, the Office Action again appears to be interpreting discrete statements in Glass without considering the teaching of the reference as a whole. Specifically, although the cited portions of Glass generally disclose "schedule data," "data," and "status data," these do not specifically correspond to selectively distributing the proprietary status information to authorized airport operations advisor modules. For example, as indicated above, the prediction subsystem 108 of Glass is responsible for integrating, predicting and updating flight objects. The prediction subsystem is described, in detail, in col. 25, line 52 - col. 29, line 7. Thus, although Glass discusses, for example, airline users being sent "status data" only on those flights that they are allowed to see, "status data" is fetched from the database 105, which is updated by the prediction subsystem 108 (see col. 29, lines 29-31 and col. 27, lines 41-54). As such, Glass does not specifically teach selectively distributing the proprietary status information to authorize the airport operations advisor modules, as recited in claim 10, and similarly recited in claim 16.


For at least the above reasons, the applied reference does not teach, nor can it reasonably be considered to have suggested, all of the combinations of the features positively recited in independent claims 1, 7, 10 and 16. Additionally, claims 3, 5, 6, 11, 13-15 and 17 are also neither taught, nor would they have been suggested, by the applied reference, for at

least the respective dependence of these claims, directly or indirectly, on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recite. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 3, 5-7, 10, 11 and 13-17 are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5-7, 10, 11 and 13-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Thomas J. Pardini
Registration No. 30,411

James E. Golladay, II
Registration No. 58,182

TJP:JEG/clf

Date: March 18, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
